

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MARY PRZYTULA and BRAD BREDE, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.

No. 17 Civ. 5124

DECLARATION OF GRANT VANDERHOLT

I, GRANT VANDERHOLT, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge of the particular stores in which I have worked and of the stores that I oversee in the Midwest Region.
4. I became employed by Bed Bath and Beyond Inc. ("BBB") in March, 2000, as a Store Manager. After approximately 2 years, I was promoted to a District Manager and served in that role for about 13 years. I was eventually promoted to Regional Manager in May of 2015, and currently serve in that role. In my current capacity as a Regional Manager of the Midwest

Region, I oversee 39 stores ranging in volume—5 are very high volume, 7 are high volume, 20 are mid volume, and 7 are low volume. My stores are in Illinois, Indiana, and Iowa.

5. Typically, a BBB Regional Manager oversees District Managers and Area Managers in the Region. A BBB District Manager has responsibility for a number of stores in a particular geographic area. Reporting to the District Manager are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers (“ASMs”) reporting to them. In the Midwest Region that I oversee, each store has between 0 and 4 ASMs. Each store has between 0 and 7 Department Supervisors who report to the ASMs. ASMs supervise Department Supervisors and other hourly associates. The number of hourly associates varies greatly from store to store, with the lower volume stores having fewer than 20 and higher volume stores having upwards of 80.

6. There are two types of ASMs at BBB: Operations Managers and Merchandise Assistant Managers. All ASMs at BBB in the Midwest Region are classified as exempt employees.

7. Both Operations Managers and Merchandise Assistant Managers are expected to do primarily exempt work. The responsibilities required of an ASM vary as a result of a number of factors.

8. One of these factors is store volume. While their exempt responsibilities remain the same, their individual experience varies based on the number of associates they are responsible for managing. For example, the ASMs in my stores spend about 1/3 of their weeks as the only manager in the building. Stores that do not conduct as much business, or stores that are heavily influenced by market seasonality, affect ASMs’ responsibilities because their stores do not employ as many associates, and as a result, there are not as many associates to delegate to.

9. Store volume also affects ASMs' duties. Some ASMs have a difficult time managing and delegating to a large number of associates in a high volume store, but excel in their exempt duties in a low volume store where they have fewer associates to manage.

10. Similarly, local management and the Store Manager of each store affect an ASM's experience. For example, some Store Managers have a higher comfort level with their ASMs making hiring decisions, while others prefer to be involved together with the ASMs in determining which candidates to hire.

11. The type of ASM (Operations vs. Merchandise Assistant Manager) also has an impact on their day-to-day exempt responsibilities. While both types of ASMs are responsible for managing the Department Supervisors and store associates who report to them, Operations Managers generally supervise more employees than Merchandise Assistant Managers and in different ways. For example, the Operations Manager typically handles the "behind the scenes" administrative aspects of running the store such as matching invoices on freight and scheduling store associates; whereas the Merchandise Assistant Manager is responsible for the retail aspects of the store such as running promotions, determining which products will best serve the store's local customer base, and ensuring that products are timely ordered to ensure proper stock within the store.

12. An ASM's duties are also affected by the ASM's ability to properly train his/her Department Supervisors and associates. If an ASM is an effective trainer, they have more of an ability to delegate and rely on their employees in accomplishing tasks. ASMs who fail to invest in training their Department Supervisors and associates typically perform some of the work themselves because they do not want to rely on their employees who have not been trained as well as others.

13. The personality of each ASM and Store Manager also plays a role in the level of discipline conducted by ASMs. There are some stores where the Store Manager is not comfortable with conflict, so they rely on their ASMs to issue discipline. There are also stores where the ASM is conflict averse, so the Store Manager typically does most of the discipline.

14. In certain stores, BBB has a higher turnover rate of its associates than other stores. Duties such as reviewing applications, conducting interviews, offering employment to applicants, and training new hires consumes more of an ASM's time in a store with a high turnover rate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18 day of December 2017.

By: 

Grant Vanderholt
Regional Manager
Bed Bath and Beyond Inc.